

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FORD MOTOR COMPANY,

Plaintiff,

Civil No. 2:06-13346

v.

DISTRICT JUDGE ARTHUR J. TARNOW
MAGISTRATE JUDGE STEVEN D. PEPE

UNITED STATES CUSTOMS AND
BORDER PROTECTION,

Defendant.

ORDER GRANTING PLAINTIFF'S MOTION TO SET SCHEDULE (DKT. #61)

This is an action brought by Plaintiff, Ford Motor Company ("Plaintiff"), under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, against the U.S. Customs and Border Protection ("Defendant"), an agency of the U.S. Department of Homeland Security (Complaint ¶ 1).¹ Plaintiff's motion was referred for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A) (Dkt. #62). For the reasons indicated below, Plaintiff's motion is **GRANTED**.

Plaintiff argues Defendant has refused to state in writing that its March 20, 2009, Supplement to its January 30, 2009, Response to the Court's November 12, 2008 Order represents what Defendant believes to be its full, final and properly compliant response to the

¹ Effective March 1, 2003, the U.S. Customs Service became part of the Border and Transportation Security Directorate of the new U.S. Department of Homeland Security in the form of three new agencies, the U.S. Customs and Border Protection ("Customs"), the U.S. Immigration and Customs Enforcement ("ICE"), and the U.S. Citizenship and Immigration Services ("USCIS").

November 12, 2008 Order.

The March 10, 2009, production was Defendant's eighth production in this matter. Defendant stated in its March 10, 2009 Supplemental Response to the Court's Order, at 3, that "The supplement to defendant's January 30, 2009 Response renders moot plaintiff's request for an order setting a deadline for full response by defendant to the Court's November 12, 2009 Order." Furthermore, at the hearing Defendant stated that the March 10, 2009, response was a full, final and complete response.

Plaintiff requested in its motion that it be given 90 days from the date by which Defendant affirms that it has fully, finally and properly responded to the Order in which to submit a response. Because the responses are voluminous and Defendant does not object, Plaintiff is afforded 90 days to respond and/or object.

SO ORDERED.

Date: April 1, 2009
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on April 1, 2009.

s/Deadrea Eldridge
Generalist Deputy Clerk